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November 12, 2024

Via ECF Only

The Honorable Thomas I. Vanaskie
Special Master for Discovery
Stevens & Lee
1818 Market Street, 18th Floor
Philadelphia, PA 19103

Re: ***In re: Valsartan, Losartan, and Irbesartan Products Liability
Litigation, U.S. District Court for the District of New Jersey;
Case No. 1:19-md-02875-RBK-JS***

Dear Special Master Vanaskie:

I write as counsel for CVS, in response to the Court's oral instructions at the October 29, 2024 status conference to let the court know, within two weeks, "where things stand with respect to *Lexecon* . . . on the other five cases that have been selected for what I call the first wave of trials." ECF 2919, Hearing Tr. at 25:15–19.

CVS is currently named as a defendant in one of the cases randomly chosen by the Court for the "first wave of trials." *See id.*; *see also* ECF 2912 (Case Management Order 36) (listing cases). This case is *Pate v. Zhejiang Huahai Pharmaceutical Co. Ltd., et al.*, No. 1:20-cv-01248.

As discussed in the October 29, 2024 hearing, the Court lacks subject matter jurisdiction over the *Pate* case, as there is not complete diversity of parties. *See id.* at 8:2–9:20. Plaintiffs' counsel agreed that the *Pate* case "has diversity issues as the defendants raised," and the Court ordered Plaintiffs to confirm their position on diversity jurisdiction within "[t]wo weeks from today." *Id.*¹

That two-week period has elapsed, but CVS has not received further direction from Plaintiffs on this issue. Until Plaintiffs state their position on the threshold issue of subject matter

¹ Plaintiffs' Complaint identifies CVS Pharmacy, Inc. as a Delaware corporation, though it is in fact a Rhode Island corporation. Regardless, there is not complete diversity between *Pate* as Plaintiff and two ZHP-related entities.

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jurisdiction, it would be premature for CVS to assert or waive *Lexecon* rights with respect to the *Pate* case.

If Your Honor intends to issue a written order with additional clarifying information or instructions, CVS will provide any requested information.

Very truly yours,



Kara M. Kapke